

**REMARKS**

Claims 1-21 and 40-66 are pending in this application. Claims 1, 17, 43, 59 and 63 are independent. Applicants thank the Examiner for the indication that claims 1-16 and 43-58 are allowed, and claims 18-21 contain allowable subject matter. By this Amendment, claims 17, 59 and 63 have been amended. Reconsideration of the application is respectfully requested.

**I. Amendment**

Support for the amendments to claims 17, 59 and 63 can be found in the specification at, for example, page 36, line 16-page 37, line 1. Thus, no new matter is added.

**II. Interview**

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Chang in the June 29, 2010 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

**III. Rejection Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 17-21, 40-42 and 59-62 under 35 U.S.C. §112, second paragraph. As discussed during the interview, claims 17 and 59 have been amended to obviate the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

**IV. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 17, 40-42 and 59-66 under 35 U.S.C. §102(b) over U.S. Patent No. 6,094,256 to Grodnensky et al. (Grodnensky). This rejection is respectfully traversed.

Independent claim 17 recites, *inter alia*, "the measurement process includes an edge detection process that processes the first and second images of the mark." Independent claims 59 and 63 recite similar subject matter. The applied reference fails to teach or render obvious the recited features of independent claims 17, 59 and 63.

As discussed during the interview, Grodnensky discloses a projection exposure system 100 that includes an energy source 102. The energy source can be a high pressure mercury lamp, a krypton fluoride laser, or an electron beam radiation source. See col. 5, line 51-col. 6, line 2 of Grodnensky. The Office Action relies on elements CD1 and CD2 of Figs. 2a and 2b and col. 7, line 41-col. 8, line 17 of Grodnensky for corresponding with the recited first and second images of the measurement process. However, Grodnensky fails to disclose, in measuring the relationship between CD1 and CD2, an edge detection processing. Accordingly, Grodnensky fails to teach or render obvious that the measurement process includes an edge detection process that processes the first and second images of the mark. Accordingly, the applied reference fails to teach or render obvious the recited features of independent claims 17, 59 and 63.

The dependent claims are patentable at least due to their dependence on allowable independent claims 17, 59 and 63 and for the additional features they recite.

Accordingly, withdrawal of the rejection of the claims is respectfully requested.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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